



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/586,444

07/18/2006

Koji Uchitani

2006_0651A

4749

513

7590

06/19/2009

WENDEROTH, LIND & PONACK, L.L.P.

1030 15th Street, N.W.,

Suite 400 East

Washington, DC 20005-1503

EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

06/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,444	UCHITANI, KOJI	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/18/06 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31,33-45,55 and 56 is/are allowed.
- 6) ☒ Claim(s) 29,30,32 and 46 is/are rejected.
- 7) ☒ Claim(s) 47-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/18/06, 08/17/06, 02/06/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first action relating to U.S. Application Serial No. 10/586,444 filed on July 18, 2006.

5

Preliminary Amendment

2. Receipt is acknowledged of the preliminary amendment filed on July 18, 2006. Currently claims 29-56 remain in the examination.

10

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20

4. Claims 29, 30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,774,800 B2 to Friedman et al. (hereinafter "Friedman").

25

Re claims 29 and 30, Friedman discloses a diaper product 2 (see figures 1a and 1b) comprising an absorbent product 14 (col. 5, lines 60+); and an IC tag 16 comprising an antenna L1 and L2 (see figure 5; col. 6, lines 48+) being attached to the absorbent product, wherein the IC tag (RFID tag) provides unique identification information via antenna (col. 12, lines 47+) to the reader as shown in figures 6-10.

Re claim 32, the diaper is comprised of a plurality of absorbent products 12 and 10 wherein the RFID tag can be in each products/layer (col. 5, line 60 – col. 6, line 4).

Claim Rejections - 35 USC § 103

5 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0103033 A1 to Reade (hereinafter "Reade") in view of US 7,188,748 to Snell (hereinafter "Snell").

20 Re claim 46, Reade discloses a system and method for vending product such as absorbent articles (see claim 17) wherein the product further comprises RFID tag (see paragraph 0002). As shown in figure 2, the product is scanned to obtain product information (steps 140 and 144 in figure 2), and the customer data is also obtained by reading the smart tag associated with the customer; and based on the product information and the user information, and recommendation is made (step 150; see paragraph 0050). The embodiment shown in figure 2 is a usage information management system.

Reade, however, fails to specifically teach or fairly suggest that the absorbent product is a diaper.

25 Snell teaches a vending machine which dispense absorbent articles such as diaper (see abstract).

Art Unit: 2876

In view of Snell's disclosure, the absorbent article of Reade can certainly include a diaper. Some examples of absorbent products are ordinary tissues, diapers, feminine products. Reade's vending machine is designed to sell any of these articles listed as an example. By having a variety of products available in the vending machine, sales of these items may be
5 increased.

Allowable Subject Matter

7. Claims 31, 33-45, 55, and 56 are allowed.

8. Claims 47-54 are objected to as being dependent upon a rejected base claim, but would
10 be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The claims are directed at a diaper product, and various information management system for diaper products. Diaper structure having two IC tags where one is on the diaper and the other is
15 on an auxiliary absorbent pad identifying each part is neither disclosed nor suggested by the cited references. Various embodiments of the diaper information management system as recited in the pending claims are also allowable.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's
20 disclosure: Huang (US 2004/0030309); Johnson (US 5,838,240); Brumm et al. (US 2005/0148978); Pires (US 2008/0132859) disclose diapers and information systems including diapers. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The

Art Unit: 2876

examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ahshik Kim/

Primary Examiner
Art Unit 2876
June 17, 2009